

LEPC BYLAWS TEMPLATE

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ARTICLE I—Identification

The _____ County Local Emergency Planning Committee (LEPC), hereinafter referred to as the “Committee,” is a county board created pursuant to Title III of SARA, the Emergency Planning and Community Right-to-Know Act of 1986 and Indiana law. The members of the Committee have been appointed by the Indiana Emergency Response Commission. The primary purpose of the Committee is to implement SARA Title III in Indiana, but its broader purpose is to enhance environmental protection and public health and safety as these are affected by chemical hazards in _____ County.

ARTICLE II—Committee Members

Section 1: Organizations Represented

The Committee consists of members selected under the provisions of these Bylaws and appointed by the Indiana Emergency Response Commission (IERC), and includes representatives from the following categories: state and local officials; law enforcement, emergency management, fire-fighting, emergency medical services, health, hospital, local environmental, and transportation personnel, broadcast and print media; community groups; and owners and operators of facilities subject to SARA Title III reporting requirements.

Section 2: Membership Applications

Membership on the Committee is open to any interested person. The names of the applicants will be forwarded to the IERC for appointment at the next IERC meeting. The Commission may appoint the number of members of an LEPC that the Commission considers appropriate. The members of an LEPC must include representatives of each of the following:

1. State and local officials.
2. Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.
3. Broadcast and print media.
4. Community groups.
5. Owners and operators of facilities subject to IC 13-25-2-10.

The Commission may revise its appointment of members of an LEPC. Interested persons, including a county executive, may petition the commission to modify the membership of an LEPC.

ARTICLE III—Committee Meetings

Section 1: Frequency of Meetings

The Committee will meet at least two (2) times, on separate days, every six (6) months, and more frequently at the discretion of its Chair.

Section 2: Announcement of Meetings

The Committee will meet at least two (2) times, on separate days, every six (6) months, and more frequently at the discretion of its Chair. Meeting dates, location and times of

current year meetings must be entered into online system by January 31. Any changes and updated changes must be updated in the online system at least two (2) weeks before meeting.

- (a) Meeting notice must be posted at principal LEPC office at least 48 hours (excluding weekend/legal holidays) in advance
- (b) Prior to the meeting, agenda must be posted at entrance to location of meeting
- (c) Members of the Committee shall be notified at each Committee meeting of the next meeting time, place and date.
- (d) Members of the Committee shall be notified in writing at least two (2) weeks in advance of such meetings of the next meeting, agenda, time, place and date.
- (e) The public will be notified of Committee meetings at least two (2) business days in advance of each meeting.

Section 3: Location of Meetings

The Committee meetings will be held _____, Indiana, or as otherwise determined by the Chair.

Section 4: Quorum of Members for Meetings

A quorum of Committee members is required for the conduct of business, and consists of the presence of a majority of members.

A local emergency planning committee member may appoint a designee to act on the committee member's behalf. An appointment must:

- 1. be in writing;
- 2. specify the duration of the appointment; and
- 3. be submitted to the Committee at least two (2) calendar days before the first meeting that the designee attends on behalf of the member.

Section 5: Conduct of Meetings

- (a) Committee meetings will be conducted in accordance with the provisions of the Indiana Open Door Law.
- (b) Any matter to be voted on shall take the form of a resolution or motion with a quorum of members present. A simple majority of the members in attendance at a Committee meeting with a quorum of members present must vote affirmatively for adoption of any resolution.
- (c) Each Committee member, including the Chair will have one vote.
- (d) A Committee member may vote for or against a resolution, or may abstain from voting.

Section 6: Fiscal Reporting

At a meeting with a quorum the LEPC treasurer or designee will present a copy of the current financial status of the LEPC. The membership will vote on approval of the fiscal report and all transactions or future expenditures. A simple majority of the members in attendance must vote to approve the fiscal report as presented.

ARTICLE IV—Committee Sub-Committees

Section 1: Identification of Committees and Appointments/Resignations

- (a) Planning, Fiscal, Communications, and Training Sub-Committees may be formed by the Committee. Sub-Committees may be established or dissolved by a majority vote of the Committee.
- (b) Appointments to Sub-Committees, including Sub-Committee Chairs, are made by the Chair of the Committee.
- (c) Resignations of Sub-Committee members are to be submitted in writing to the Chair, who may, at his/her discretion, replace resigning members.

Section 2: Duties of Sub-Committees

- (a) Sub-Committees will convene to consider issues assigned by the Committee and/or issues of the Sub-Committee's devising.
- (b) Sub-Committee meetings will be held at the discretion of Sub-Committee Chairs in terms of frequency and location.
- (c) Sub-Committees will report their findings and make their recommendations to the full Committee.
- (d) Sub-Committee recommendations must, to be adopted, be affirmed as resolutions by a majority of the Committee members.
- (e) Additional duties may be assigned Sub-Committees by the Committee Chair.

Section 3: Open Door Law

- (a) Committee and Sub-Committee meetings must follow Indiana Open Door Law (IC 5-14-1.5).
- (b) Meeting notice must be posted at principal LEPC office at least 48 hours (excluding weekends and legal holidays) in advance.
- (c) Prior to the meeting, agenda must be posted at the entrance to the location of the meeting

ARTICLE V—Officers

Section 1: Officers

The Officers of the Committee are the Chair, Vice-Chair, Secretary and Treasurer.

Section 2: Terms of Officers

The Terms of the Officers are for a period of one year.

Section 3: Election of Officers

Annual election of Officers will be effected by a majority vote of all Committee members appointed by the IERC.

ARTICLE VI—Powers and Duties of Officers

Section 1: Meeting Frequency, Dates, Times and Locations

The Chair will determine the frequency, dates, times and locations of Committee meetings. Such meetings shall comply with the Indiana Open Door law.

Section 2: Sub-Committee Appointments

The Committee Chair shall appoint the Chair and members of each Sub-Committee.

Section 3: Committee Meetings' Conduct

- (a) The Chair will conduct Committee meetings according to Indiana open door law (IC 5-14-1.5)
- (b) Committee meeting agendas will be set by the Chair.

Section 4: Delegation of Authority

The Chair of the Committee may delegate at his/her discretion his/her powers and duties to the Vice-Chair, consistent with other provisions of the bylaws.

Section 5: Meeting Minutes and Fiscal Records

The Secretary/Treasurer shall keep Committee meeting minutes and a record of the finances of the Committee.

ARTICLE VII—Title III Document Submissions

Section 1: Repository of Documents

The _____, Indiana will be the repository for all documents submitted to the Committee pursuant to the provisions of SARA Title III and the Indiana Access to Public Records law.

Section 2: Availability of Documents to the Public

Title III documents will be available for examination and copying by the public during the hours of _____ am and _____ pm, Monday through Friday, at _____, Indiana. The Committee shall comply with the Indiana Access to Public Records law, including provisions relating to confidential records pursuant to IC 13-25-2-14(a).

Section 3: Committee Records

All records of Committee meetings, including meeting agendas and minutes, shall be available for inspection and copying by any person at _____, Indiana.

Section 4: Legal Notices

A Local Emergency Planning Committee shall annually publish a notice in local newspapers stating that the emergency response plan, safety data sheets, and inventory forms have been submitted under 13-25-2-14(b). The notice must:

- (a) state that follow-up emergency notices may subsequently be issued; and

- (b) announce that members of the public may review:
- the LEPC emergency response plan;
 - submitted safety data sheet(s);
 - Tier II (chemical inventory forms) submissions; or
 - follow-up notices.

These documents may be viewed at the location designated in Section 3.

Section 5: Record Retention Requirements

Local Emergency Planning Committee records are subject to County Board document retention schedules.

ARTICLE VIII—Adoption/Amendment of Committee Bylaws

Section 1: Adoption of Bylaws

A majority of Committee members is required to adopt the Committee's bylaws.

Section 2: Amendment of Bylaws

A majority of Committee members is required to amend the Committee's bylaws.

Section 3: Submission of Bylaws to the IERC

Approved and signed bylaws must be uploaded to the online reporting system on or by March 1 annually.

ARTICLE IX—Non-Exclusion Provision

Nothing in these bylaws is to be construed as excluding or contravening any additional provision of federal or state law which are not explicitly or implicitly referred to within these bylaws.

ARTICLE X—Bylaws Adoption and Signing

Upon their adoption by the Committee, a copy of these bylaws will be signed and dated by the Chair of the Committee and will be available for inspection and copying by the public at _____, Indiana. Approved and adopted by majority vote in a public meeting held this _____ the day of _____, _____.

_____, Chair.